

Message Text

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ACTION IO-14

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TAGS: SHUM, SOCI

SUBJECT: 1978 ECOSOC ORGANIZATIONAL SESSION -- WORKING GROUP ON
IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

1. ONE OF THE ITEMS ON THE AGENDA FOR THE FIRST REGULAR
SESSION IN 1978 (SPRING SESSION) IS THE IMPLEMENTATION
OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND
CULTURAL RIGHTS. IN CONTRAST TO THE COVENANT ON CIVIL
AND POLITICAL RIGHTS WHICH ESTABLISHED A HUMAN RIGHTS
COMMITTEE COMPOSED OF STATES PARTIES TO REVIEW THE RE-
PORTS; THE COVENANT ON ECONOMIC, SOCIAL AND CULTURAL
RIGHTS DESIGNATES ECOSOC AS THE BODY RESPONSIBLE FOR
MONITORING IMPLEMENTATION OF THE COVENANTS. IN 1976
THE COUNCIL ADOPTED RESOLUTION 1988 SETTING UP THE
METHOD WHEREBY THE COUNCIL WILL DISCHARGE ITS FUNCTIONS
WITH RESPECT TO THE COVENANT. THE RESOLUTION CALLS FOR
ESTABLISHMENT OF A SESSIONAL WORKING GROUP TO REVIEW
THE REPORTS IN ORDER TO ASSIST THE COUNCIL WITH ITS WORK.
IN THE COURSE OF THE DEBATE IN 1976 SEVERAL STATES
ARGUED THAT THE SESSIONAL WORKING GROUP SHOULD BE
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LIMITED TO STATES PARTIES. HOWEVER, THIS VIEW DID
NOT PREVAIL AND RESOLUTION 1988 PROVIDED THAT THE
SESSIONAL WORKING GROUP SHOULD HAVE APPROPRIATE
REPRESENTATION OF STATES PARTIES. RESOLUTION 1988
DOES NOT GIVE ANY GUIDELINES AS TO THE PROPOSED
SIZE OF THE SESSIONAL WORKING GROUP.

2. DURING THE DEBATE AT THIS SESSION, CONCERNING ESTABLISHMENT OF THE SESSIONAL WORKING GROUP, THE EASTERN BLOC ARGUED THAT THE SESSIONAL WORKING GROUP SHOULD BE LIMITED TO STATES PARTIES AND YUGO-SLAVIA AND USSR STATED THEY FOUND RESOLUTION 1988 UNCLEAR AND AMBIGUOUS AND THAT A LEGAL OPINION SHOULD BE SOUGHT. THE SOVIET DELEGATE, SMIRNOV, PARTICIPATED IN THE DRAFTING OF 1988 AND KNEW PERFECTLY WELL THAT THE RESOLUTION WAS DRAFTED TO INCLUDE BOTH STATES PARTIES AND NON-STATES PARTIES IN THE SESSIONAL WORKING GROUP. THE EASTERN BLOC IS NOW EXTREMELY AGITATED AT THE THOUGHT THAT DELEGATIONS SUCH AS THE US WHO ARE NOT PARTIES TO THE COVENANT WILL BE SITTING ON A WORKING GROUP TO REVIEW REPORTS SUBMITTED BY EASTERN BLOC STATES PARTIES. MEMBERS OF THE NON-ALIGNED ACCEPTED THE IDEA THAT THE SESSIONAL WORKING GROUP SHOULD BE OPEN TO INTERESTED MEMBERS OF ECOSOC. AS THERE WAS STILL NO AGREEMENT ON THE IDEAL SIZE OF THE WORKING GROUP, IT WAS AGREED THAT STATES WHO ARE INTERESTED IN PARTICIPATING SHOULD NOTIFY THE SYG IN WRITING OF THEIR INTEREST AS SOON AS POSSIBLE. ATTEMPTS TO INDICATE THAT THE CUTOFF DATE FOR NOTIFICATION SHOULD BE THE 15 OF MARCH WERE UNSUCCESSFUL. THE FINAL DECISION PROVIDES THAT THE VICE PRESIDENT OF THE COUNCIL (THE UKRAINIAN MARTYNYENKO) WILL UNDERTAKE CONSULTATIONS ON THE COM-
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POSITION OF THE SESSIONAL WORKING GROUP. AT THE SAME TIME STATES INTERESTED IN TAKING PART WILL NOTIFY THE SYG AND A LIST OF THOSE STATES WILL BE PUBLISHED BY MARCH 15. THIS LIST WILL NOT BE CONSIDERED DEFINITIVE AND THE FINAL LIST WILL BE PUBLISHED AT THE OPENING OF THE SESSION. THIS DECISION REPRESENTS AN AWKWARD COMPROMISE BETWEEN THE EASTERN BLOC WHICH PREFERRED THAT THE WORKING GROUP BE SET UP ON THE BASIS OF CONSULTATIONS UNDERTAKEN BY THEIR MAN MARTYNYENKO AND THE WESTERN GROUP AND SOME OF THE NON-ALIGNED WHO INSISTED ON MAINTAINING THE POSITION OF AN OPEN-ENDED WORKING GROUP. THE DRAFT DECISION FOLLOWS AS THE LAST PARA OF THIS CABLE. THE US SHOULD NOTIFY THE SYG AS SOON AS POSSIBLE OF ITS INTENT TO PARTICIPATE IN THE WORKING GROUP.

3. TEXT FOLLOWS: "TO REQUEST THE VICE-PRESIDENT OF THE COUNCIL (MR. VLADIMIR NIKIPHOROVICH MARTYNYENKO) TO UNDERTAKE CONSULTATIONS ON THE COMPOSITION OF THE SESSIONAL WORKING GROUP WHICH WILL CONSIDER ITEM 4 AT THE FIRST REGULAR SESSION, 1978; TO INVITE MEMBERS OF THE COUNCIL TO NOTIFY THE SECRETARY-GENERAL,

AS EARLY AS POSSIBLE, OF THEIR INTEREST IN PARTICI-
PATING IN THAT WORKING GROUP, WITHOUT PREJUDICE TO
THE FINAL DECISION OF THE COUNCIL ON THE COMPOSI-
TION THEREOF TO BE ADOPTED AT THE OUTSET OF THE
FIRST REGULAR SESSION, 1978."
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